



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 6, 1998

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR98-1585

Dear Mr. Castaneda:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116490.

Dallas Area Rapid Transit ("DART") received a request for documents relating to a contract between DART and the Oyekan Group USA, Inc. You contend that the requested documents are excepted from disclosure under sections 552.003 and 552.101 of the Government Code. You also inform us that the U.S. Department of Justice ("DOJ") has asked DART to withhold the documents because they relate to DOJ's investigation and prosecution of a criminal case against Taiwo A. Okeyan. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." In Open Records Decision No. 586 (1991), we concluded that the need of a governmental body, other than the one who receives a request for information, to withhold information under section 552.108 may constitute a compelling reason for nondisclosure. In this case, you submitted to this office a letter in which an Assistant U.S. Attorney asks that DART withhold "any documents related in any way to . . . Taiwo Anthony Oyekan," because "disclosure could compromise the government's ability to prosecute" its case against Mr. Oyekan. Based upon this letter, we conclude that the release of the offense report would interfere with the detection, investigation, or prosecution of crime. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, we find that DART may, on behalf of DOJ, withhold the requested documents from disclosure under section 552.108(a)(1).

Because we are able to resolve this matter under section 552.108, we need not address the other exceptions you claimed. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", written in a cursive style.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 116490

Enclosures: Submitted documents

cc: Mr. Ayo Fasoro
The Oyekan Group USA, Inc.
1825 Market Center Boulevard, Suite 350
Dallas, Texas 75207
(w/o enclosures)